

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

NICOLE A. SCHATTEN

Plaintiff,

vs.

NATIONAL ACTION FINANCIAL
SERVICES

Defendant.

Civil Action No. _____

COMPLAINT AND DEMAND FOR A JURY TRIAL

1. This is an action for damages brought by Plaintiff, an individual consumer as a result of Defendant's numerous violations of 15 U.S.C. § 1692 et. seq., the Fair Debt Collection Practices Act ("FDCPA"), the purpose of which is to eliminate abusive debt collection practices by debt collectors.

2. Jurisdiction in this Court is created pursuant to 15 U.S.C. § 1692k (d).

3. Plaintiff, Nicole A. Schatten, is a natural person and is a resident of the Commonwealth of Pennsylvania, County of Bucks.

4. Defendant National Action Financial Services ("Defendant") is a domestic corporation with a principal place of business located at 165 Lawrence Bell Drive, Suite 100, Williamsville, NY.

5. The principal purpose of Defendant is the collection of debts in the State of New York and its sister states and Defendant regularly attempts to collect debts alleged to be due to another party within the state of New York.

6. Defendant is a “debt collector” as defined pursuant to 15 U.S.C. § 1692a (6) as it regularly uses instrumentalities of interstate commerce such as the mail and telephone in its business, the principal purpose of which is the collection of debts.

7. On or about April 7, 2010, Defendant began attempting to collect a debt from Plaintiff.

8. The underlying alleged debt was incurred by Plaintiff for personal, family or household services.

9. Defendant contacted plaintiff by telephone on numerous occasions with what appears to have been the intent of harassing Plaintiff.

10. Plaintiff informed Defendant that she did not owe the alleged debt but Defendant continued collections activities against her.

11. Defendant left numerous messages on Plaintiff’s answering machine which improperly stated that they were from a debt collector which had the effect of disclosing sensitive information to third parties.

12. Defendant threatened to contact plaintiff’s in-laws regarding the alleged debt if she did not immediately pay the balance claimed due.

13. Defendant improperly left messages on Plaintiff’s mother’s answering machine which disclosed personal information regarding the alleged debt.

14. Defendant’s representatives made numerous false and misleading representations to Plaintiff including but not limited to false representations regarding the amount and legal character of the alleged debt and improper fees allegedly owed by Plaintiff to the Defendant.

15. As a result of the conduct of Defendant, Plaintiff has suffered, among other things, emotional distress, embarrassment, strain on family relations, anxiety, embarrassment, humiliation and reduced credit rating.

COUNT I
(Violation of the FDCPA)

16. Plaintiff repeats and realleges and incorporates by reference the foregoing paragraphs.

17. Based on the actions of Defendant alleged herein, Defendant violated the FDCPA.

18. Defendant's FDCPA violations include but are not limited to a violation of 15 U.S.C. § 1692d by communicating with Plaintiff using language with the intention of abusing Plaintiff and causing a telephone to ring repeatedly with the intention to annoy, 15 U.S.C. § 1692d by purposefully harassing Plaintiff and by calling her repeatedly and continuously and failing to provide meaningful disclosure of the callers identity when calling, 15 U.S.C. § 1692e by making various false, deceptive and misleading representations, and 15 U.S.C. § 1692f by using unfair practices in attempting to collect the alleged debt.

19. As a result of its numerous violations of the FDCPA, Defendant is liable to Plaintiff for all actual damages sustained by him, additional statutory damages as determined by the Court, costs associated with the action as well as a reasonable attorney's fee.

WHEREFORE, Plaintiff Nicole A. Schatten, respectfully requests that judgment be entered against Defendant Outsource for the following:

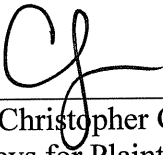
A. Declaratory judgment that Defendant's conduct violated the Fair Debt Collections Practices Act;

- B. An award of actual damages sustained by Plaintiff Nicole A. Schatten;
- C. An award of additional damages pursuant to 15 U.S.C. § 1693 k;
- D. An award of the costs of the action as well as a reasonable attorney's fee pursuant to 15 U.S.C. § 1692k;
- E. An award of any other and further relief which to the Court seems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY

Dated: Albany, New York
December 22, 2010

THE ROSE LAW FIRM, PLLC

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